AO 120 (Rev. 2/99)		SOLIC	CITOR	
1	.S. Patent & Trademark P.O. Box 1450 dria, VA 22313-1450	APR - Office S. PATENT & TR	REPORT ON THE 9 2008 FILING OR DETERMINATION OF A DEMARK OFFICE TRADEMARK	AN OR
			16 you are hereby advised that a court action has been	
filed in the U.S.	District Court Northern D	District of Calit	fornia on the following 🗸 Patents or 🗀 Trader	narks:
DOCKET NO.	DATE FILED	l l	ISTRICT COURT	
CV 08-01735 JCS PLAINTIFF	. 4/1/08	4:	50 Golden Gate Avenue, 16th Floor, Box 36060, S.F. CA	1 94102
	VASCULAR, L.L.C.		DEFENDANT TERUMO CORPORATION, ET AL.	
PATENT OR TRADEMARK NO.	DATE OF PATEN' OR TRADEMARI		HOLDER OF PATENT OR TRADEMARK	
1 Rc 36,043			*PLEASE SEE ATTACH COMPLAINT*	
2 6,230,546				··
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4				·
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In the al	bove—entitled case, the fo	ollowing patent	t(s) have been included:	
DATE INCLUDED] Amendment	☐ Answer ☐ Cross Bill ☐ Other Pleadin	ıσ
PATENT OR TRADEMARK NO.	DATE OF PATEN' OR TRADEMARI	T	HOLDER OF PATENT OR TRADEMARK	
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	ove-entitled case, the follow	wing decision ha	as been rendered or judgement issued:	
DECISION/JUDGEMENT				
CLERK		L(DV) DEDITE	/ OLEDA	
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1 Bingham McCutchen LLP RICHARD S. TAFFET (pro hac vice to 2 be filed, NY SBN 1721182) 399 Park Avenue 08 APR -1 AM 9: 26 New York, New York 10022-4689 Telephone: (212) 705-7000 4 Facsimile: (212) 752-5378 richard taffet@bingham.com 5 JAMES G. SNELL (SBN 173070) 1900 University Avenue 6 East Palo Alto, California 94303-2223 Telephone: (650) 849-4400 7 Facsimile: (650) 849-4800 james.snell@bingham.com SCOTT T. BLUNI (pro hac vice to be filed, MA SBN 660187) 9 150 Federal Street Boston, Massachusetts 02110-1726 10 Telephone: (617) 951-8000 Facsimile: (617) 951-8736 11 scott.bluni@bingham.com 12 I hereby certify that the annexed GARY M. HNATH (pro hac vice to be instrument is a true and correct copy filed, DC SBN 388896) 13 of the original on file in my office. 2020 K Street N.W. ATTEST: 14 Washington, D.C. 20006-1806 Telephone: (202) 373-6000 15 Facsimile: (202) 373-6001 gary.hnath@bingham.com 16 Attorneys for Plaintiff 17 MAQUET CARDIOVASCULAR, L.L.C. 18 UNITED STATES DISTRICT COURT 19 NORTHERN DISTRICT OF CALIFORNIA 20 MAQUET CARDIOVASCULAR, L.L.C., a 21 Delaware L.L.C., COMPLAINT FOR PATENT 22 INFRINGEMENT Plaintiff, v. 23 DEMAND FOR JURY TRIAL TERUMO CORPORATION, a Japanese 24 corporation and TERUMO CARDIOVASCULAR SYSTEMS 25 CORPORATION, a Delaware corporation, 26 Defendants. 27

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1	COMPLAINT
2	Plaintiff Maquet Cardiovascular L.L.C. ("Maquet") hereby alleges for its
3	Complaint against defendants Terumo Corporation and Terumo Cardiovascular Systems
4	Corporation (collectively "Terumo"), on personal knowledge as to its own activities and on
5	information and belief as to the activities of others, as follows:
6	The Parties
7	1. Maquet Cardiovascular L.L.C. ("Maquet") is a Delaware limited liability
8	company with its principal office at 170 Baytech Drive, San Jose, California 95134. Maquet is
9	an innovative company focused on developing medical solutions that enable quicker, safer, and
10	more cost effective treatment of patients.
11	2. Terumo Corporation is a Japanese corporation with its headquarters at 44-1, 2-
12	chome, Hatagaya, Shibuya-ku, Tokyo, 151-0072, Japan. Terumo is a multi-billion dollar, global
13	medical products company. According to Terumo's website, its main business is the
14	"[m]anufacture and sales of medical products and equipment, including pharmaceuticals,
15	nutritional food supplement, blood bags, disposable medical devices, cardiovascular systems,
16	vascular grafts, peritoneal dialysis, blood glucose monitoring system, medical electronic, and
17	digital thermometers." Terumo Corporation - About Terumo - Profile, http://www.terumo.co.jp
18	/English/company/index.html (last visited Mar. 28, 2008).
19	3. Terumo Cardiovascular Systems Corporation ("TCS") is a Delaware corporation
20	with its principal place of business at 6200 Jackson Road, Ann Arbor, Michigan 48103. On
21	information and belief, TCS is an indirect (through Terumo Medical Corporation) wholly owned
22	subsidiary of Terumo Corporation. On information and belief, TCS is entirely controlled by
23	Terumo Corporation, and operates as a department of Terumo Corporation. TCS maintains a
24	manufacturing facility in California at 1311 Valencia Ave., Tustin, California 92780. According
25	to TCS's website, "Terumo Cardiovascular Systems develop[s] and manufacture[s] precision-
26	focused products for the specialized needs of the cardiac surgical team with an emphasis on
27	cardiopulmonary bypass and intraoperative monitoring." Terumo Cardiovascular Systems
28	About Us, http://www.terumo-cvs.com/about_us/default.asp (last visited Mar. 28, 2008).

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1	Jurisdiction		
2	4. This Court has jurisdiction over the subject matter of this case pursuant to		
3	28 U.S.C. §§ 1331 and 1338(a) because this is an action for patent infringement arising under the	he	
4	patent laws of the United States, 35 U.S.C. § 1 et seq.		
5	5. This Court has personal jurisdiction over Defendant Terumo Corporation based		
6	upon, but not limited to, its minimum contacts with this state and/or the activities of TCS, which		
7	operates as Terumo Corporation's general agent, in this state. On information and belief,		
8	Terumo's accused products are and have been sold in California.		
9	6. This Court has personal jurisdiction over Defendant TCS based upon the physical	al	
10	presence of its Tustin manufacturing facility in this state and its economic activities conducted	in	
11	and/or directed at this state. On information and belief, Terumo's accused products are and have		
12	been sold in California.		
13	Venue and Intra-district Assignment		
14	7. Venue is proper in this division pursuant to 28 U.S.C. §§ 1391(d) and 1400(b)	•	
15	because defendants are subject to personal jurisdiction in this judicial district, having conducted	d	
16	business and committed acts of infringement in this judicial district, and/or are aliens subject to		
17	suit in any district.		
18	8. Per Civil Local Rule 3-2(c), this patent infringement action may be assigned on	a	
19	district-wide basis. Maquet, which has its principal place of business in San Jose, California,		
20	requests that this matter be assigned to the San Jose Division.		
21	Background		
22	9. Maquet is the owner of all right, title and interest, by assignment, of U.S. Patent		
23	No. Re. 36,043 ("the '043 Patent"), entitled "Endoscope and Method for Vein Removal" and		
24	attached as Exhibit A hereto, and U.S. Patent No. 6,830,546 ("the '546 Patent"), entitled "Devi	.ce	
25	and Method for Remote Vessel Ligation" and attached as Exhibit B hereto (collectively, the		
26	"Patents in Suit").		
27	10. The Patents in Suit involve innovative technology that allows for a minimally		
28	invasive technique for harvesting healthy blood vessels from a patient for use in other parts of		

1	the patient's body, such as in heart bypass surgery, or for use in another patient's body. This is
2	an improvement over conventional vein harvesting methods, including making a long incision
3	along the full length of the vein section for removal. The technology described and claimed in
4	the Patents in Suit allows for a vessel section to be harvested through one or more small
5	incisions, thereby obviating the need to make a long incision along the full length of the vessel
6	section. Among the benefits of this technology is that it reduces trauma and recovery time for
7	the patient.
8	11. Maquet develops, manufactures, markets, and sells or has sold endoscopic vein
9	harvesting products that use this innovative technology, including: VasoView® HemoPro TM ,
10	VasoView® 7xB TM , VasoView® 7xS TM , VasoView® 6, VasoView® 5, VasoView® 4, and
11	other products having similar configurations ("the VasoView® Products").
12	12. On information and belief, Terumo Corporation uses, imports, distributes, sells,
13	and/or offers for sale, including in the United States and in this Judicial District in the State of
14	California, the VirtuoSaph TM Endoscopic Vein Harvesting System ("VirtuoSaph TM ") and/or
15	components thereof. Such conduct infringes Maquet's rights in and to the Patents in Suit.
16	13. TCS uses, imports, distributes, sells, and/or offers for sale, including in the United
17	States and in this Judicial District in the State of California, the VirtuoSaph TM product and/or
18	components thereof. On information and belief, TCS maintains a network of subsidiaries, sales
19	branches, and/or third party distributors that offers to sell and have sold the VirtuoSaph TM
20	product in the United States. Such conduct infringes Maquet's rights in and to the Patents in
21	Suit.
22	14. The VasoView® Products have been marked with the numbers of the Patents in
23	Suit.
24	FIRST CAUSE OF ACTION
25	(Infringement of U.S. Patent No. Re. 36,043)
26	15. Maquet repeats and incorporates by reference the allegations contained in the
27	paragraphs above.
28	16. Terumo Corporation and TCS, through their using, importation, selling, and
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1	offering for s	ale of the VirtuoSaph TM product in the United States, have infringed and continue to
2	infringe the '	043 Patent directly, contributorily, and/or by inducement, either literally or under
3	the doctrine of	of equivalents, in violation of 35 U.S.C. § 271.
4	17.	Maquet has suffered damages due to the acts of infringement by the Terumo
5	defendants in	an amount to be established at trial.
6	18.	The Terumo defendants' infringement has been willful and deliberate.
7	19.	Unless enjoined by this Court, Terumo Corporation and TCS will continue to
8	infringe '043	Patent, and Maquet will suffer damages and irreparable harm.
9 10	·	SECOND CAUSE OF ACTION (Infringement of U.S. Patent No. 6,830,546)
11	20.	Maquet repeats and incorporates by reference the allegations contained in the
12	paragraphs a	pove.
13	21.	Terumo Corporation and TCS, through their using, importation, selling, and
14	offering for s	ale of the VirtuoSaph TM product in the United States, have infringed and continue to
15	infringe the '	546 Patent directly, contributorily, and/or by inducement, either literally or under
16	the doctrine	of equivalents, in violation of 35 U.S.C. § 271.
17	22.	Maquet has suffered damages due to the acts of infringement by the Terumo
18	defendants in	an amount to be established at trial.
19	23.	The Terumo defendants' infringement has been willful and deliberate.
20	24.	Unless enjoined by this Court, Terumo Corporation and TCS will continue to
21	infringe the '	546 Patent, and Maquet will suffer damages and irreparable harm.
22		Prayer for Relief
23	25.	WHEREFORE, Maquet requests that the Court enter judgment in its favor and
24	against Teru	mo as follows:
25	. (8	Granting a preliminary and permanent injunction enjoining Terumo
26	Corporation	and TCS, and each of their respective officers, agents, representatives, distributors,
27	employees, a	ffiliates, parent and subsidiary corporations, and all those in privity or acting in
28	concert with	them, from further infringing, contributing to and/or inducing the infringement of
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. T	the Patents in Suit;	i i
2	(b)	Awarding compensatory damages to Maquet, including but not limited to
3	lost profits and/or	a reasonable royalty, according to proof at trial;
4	(c)	Awarding treble damages to Maquet, including pursuant to 35 U.S.C. § 284;
5	(d)	Awarding attorneys' fees to Maquet, including pursuant to 35 U.S.C. § 285;
6	(e)	Awarding such other relief as the Court deems just and proper.
7	Dated: April 1, 20	008
8	,	DINICUAM MACUTCHENI I I D
9		BINGHAM McCUTCHEN LLP
10		
11		By:
12		Attorneys for Plaintiff MAQUET CARDIOVASCULAR, L.L.C.
13		MAQUET CARDIO VALCEDIAR, E.E.C.
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1	Jury Trial Demanded
2	Plaintiff Maquet Cardiovascular, L.LC. hereby demands a jury trial on all issues
3	triable to a jury in this action.
4	Dated: April 1, 2008
5	
6	BINGHAM McCUTCHEN LLP
7	
8	By:
9	Lames Snell Attorneys for Plaintiff MAQUET CARDIOVASCULAR, L.L.C.
10	MAQUET CARDIOVASCULAR, L.L.C.
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